



Tennessee Department of Environment and Conservation  
Division of Water Resources  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243

**Phase II Stormwater Permit Notice of Intent (NOI)**  
**Phase II Municipal Separate Storm Sewer Systems (MS4)**



**PURPOSE**

The purpose of this Notice of Intent (NOI) is for a Tennessee city, county, utility district, university or military base to submit the information necessary to obtain coverage under an NPDES permit to discharge stormwater runoff from a Phase II municipal separate storm sewer system.

**INSTRUCTIONS**

You must provide the following information to the Division of Water Resources as application material. You may either submit a hard copy of the signed NOI as described in sub-part 2.2.1 of the MS4 Permit, signed in accordance with the signatory requirements of sub-part 6.7 of the permit, and a copy of the NOI, to the address shown in sub-part 1.2 of the permit for the EFO responsible for the county where the facility is located; or you may submit by e-mail, the completed NOI and attachments (such as map and city ordinances) to [water.permits@tn.gov](mailto:water.permits@tn.gov).

After completing the questions in each section, list the Best Management Practices (BMPs) that you will implement in each program. Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

After completing the BMP's in each section provide the administrative information to complete those BMP's as explained here:

Primary Contact and Position/Title	The person in your organization serving as the primary contact.
Other Department and Roles	Other departments within your organization involved in the project and how their role is identified.
Other Government Entity and Roles	Identification of other government entities responsible for implementing one or more of the BMP's. Include a copy of the contract or proposed agreement with execution schedule.
Other Institutions and Roles	Identification of partnerships with another MS4 operator or institution (e.g., Chamber of Commerce, environmental interest organizations, civic groups) to achieve the BMP's.
Target Groups (if applicable)	Specific kinds of groups that will be targeted, such as service industries (i.e., carpet cleaning), civic groups, schools, and church groups, etc.

**PART I - ADMINISTRATIVE INFORMATION**

Name of Phase II MS4 city, county, stormwater utility district or public institution: City of Germantown

Include a latitude and longitude of a representative location within your boundaries for mapping purposes.

Latitude (dd.dddd): 35.0970° N Longitude (dd.dddd): 89.8060° W

<u>Mike Palazzolo</u>	<u>Mayor</u>
Responsible Elected Official or Officer	Title

<u>1930 South Germantown Road</u>	<u>Germantown</u>	<u>TN</u>	<u>38138</u>
Street Address	City	State	Zip Code

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**PROGRAM CONTACT**

Tim Gwaltney, City Engineer

Name

tgwaltney@germantown-tn.gov

Email Address

901-757-7281

Phone Number

**TECHNICAL CONTACT**

Timothy P. Bierdz, Stormwater Manager

Name

tbierdz@germantown-tn.gov

Email Address

9017577281

Phone Number

☒ Attach an organizational chart that shows the different departments involved in stormwater management.

**PART II - DESCRIPTION OF STORM SEWER SYSTEM**

**ITEM A - AREA SERVED (IN SQUARE MILES)**

For a city, town, university, or utility district university or military base:

Provide jurisdiction area within current boundaries

19.8

Provide additional area of urban growth boundary

None

For a county:

Provide total area:

N/A

Provide area that is unincorporated

N/A

Provide unincorporated, urbanized area (UA)

N/A

Indicate by checking the appropriate box if the permit will be used to regulate non-UA portions of the county:

☒ No

☐ Yes, the entire county (unincorporated)

☐ Yes, the non-UA portions, as follows: \_\_\_\_\_

**ITEM B - STORM DRAINAGE INFRASTRUCTURE**

Give figures for the following features of stormwater drainage infrastructure owned or operated by the local government. For a county government, indicate whether the figures represent the entire county or only the urbanized area. Figures for length and number of culverts and catch basins may be rough estimates.

For counties: Entire county ☐ Urbanized area only ☒

Storm Sewers 180 (miles or feet)

Open Ditches 62 (miles or feet)

Culverts 104 (estimate #)

Catch Basins 5050

Water Quality Treatment Ponds 20



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If you have additional streams to list, include in a separate attachment.

## ITEM E - STATE OR EPA ISSUED TDMLs

Yes ☒ No ☐ If yes, list the waterbody ID#, name of unavailable waterbody and parameter(s) of concern:

**If you have additional streams to list, include in a separate attachment.**

You must review existing adopted and signed ordinances or regulations that are associated with stormwater discharges to your MS4. Attach a copy of ordinances and/or policies that give your MS4 the authority to control stormwater discharges into the MS4 storm sewer system. Ordinances and/or policies that deal with stormwater issues might be found, for example, in conjunction with litter control, prohibition of dumping, clean up of spills, grading/building permits, sewer connection ordinances, erosion prevention and sediment control practices, subdivision regulations or other land use/development ordinances.

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<b>PART IV - SIGNATURE OF RESPONSIBLE CORPORATE OFFICER</b>
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This Notice of Intent (NOI) must be signed as follows: For a municipality, state, federal, other public agency, and/or co-permittees by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes one of the following:

- I. The chief executive officer of the agency.
- II. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Mayor / City of Germantown  
Title/Municipality

\_\_\_\_\_  
1/27/17  
Date

\_\_\_\_\_  
Signature

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Title/Municipality

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Title/Municipality

\_\_\_\_\_  
Date

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**PART V - YOUR PROPOSED STORMWATER QUALITY MANAGEMENT PROGRAM**

This NOI requires you to provide a brief description of your current and proposed activities as well as your BMPs for a stormwater management program. The following sections correspond to the six minimum control measures for a Phase II stormwater management program. If another MS4 will be responsible for implementing any or all portions of any or all following six minimum measures, then attach either the interlocutory agreement or the proposed agreement and schedule for adoption. You must still complete this NOI by answering the relevant questions for the six following measures.

For purposes of this NOI, the Public Education and Outreach and Public Participation and Involvement minimum measures have been combined.

**SECTION 1 - PUBLIC EDUCATION AND OUTREACH AND PUBLIC INVOLVEMENT/PARTICIPATION**

**A. Current Activities:**

The following is a set of questions on your current Public Education and Outreach and Public Involvement/Participation. These questions are intended to highlight minimum program requirements under the MS4 permit. Each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently distribute educational materials on the topics of stormwater quality, instream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the materials, including media used (e.g., written brochures, public service announcements, etc.); the topic(s) covered, intended target audience(s), and the distribution method: The City has Courtesy Reminder brochures which list common pollutants that the City wants to keep out of the storm sewer drainage system, water sheds and water bodies. These brochures are left for homeowners when a potential issue is observed and to each homebuilder, before they begin building a new home (primary structure). These brochures are kept at the kiosks in the front of Economic and Community Development building, viewed on the City's website and have been distributed at Council of Neighborhood Association (CONA) meetings and public schools. The City also has placed stormwater relevant messages on utility bills and talk of the town. The City gives the "Discover the Waters of Tennessee" and "A Guide to Traveling Tennessee Watersheds" each time public speaking is engaged at the public schools. Residents, contractors, developers, civic groups and businesses are targeted.

Yes ☒ No ☐

2. Does the municipality currently conduct or participate in public outreach activities focusing on the topics of stormwater quality, stream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the outreach activities, topic(s) covered, intended target audience(s), and the frequency of activities: The City will partner with the Tennessee Stormwater Association and TAB for Statewide radio outreach program. The City we also conduct training classes (a 101 in Stormwater) to contractors, developers and homebuilders about the importance of erosion prevention and pollution control. For every new development project within the City limits a pre-construction meeting is required for developers, contractors, the consultant engineer and subcontractor to discuss the importance of stream water quality, pollution impacts, stormwater quantity and erosion prevention as the project relates to existing conditions and impacts to proposed conditions.

Yes ☒ No ☐

3. Does the current municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified: If a public notice is required, notifications are made via newspaper and/or local communication notifications via website.

Yes ☒ No ☐

**B. Proposed Activities:**

1. List the BMPs that you will implement in the areas of Public Education and Outreach and Public Participation and Involvement. These should be based on a set of priorities that you have identified in the areas of Public Education and Outreach and Public Participation and Involvement. Provide a short descriptive name to the BMP in the left column. In the right column, more fully describe the BMP.

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For Public Participation and Involvement BMPs, you may not desire to dictate the ways in which the public participates or is involved in the stormwater quality management program; in this case, your proposed program should provide a forum and/or a structure which guides and encourages the public in participation. On the other hand, there may be specific ways you do want the public to be involved, based on your program needs. For instance, you may want stream watch groups to be organized. In both cases, your proposed program should describe how you will accomplish this, along with a time schedule.

PROPOSED BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION		
BMP	Name	DESCRIPTION
1A.	City Stormwater Web Page	Stormwater webpage is maintained through the Economic and Community Development Department's webpage and is updated as needed.
1B.	Stormwater Education Brochures	City of Germantown distributes various types of brochures related to stormwater education and watershed protection. Media targeted to development community, homeowners and students, etc.
1C.	TNSA/TAB Program	MS4 will annually participate in the Tennessee Stormwater Association's TAB (Tennessee Association of Broadcasters) state-wide radio outreach program if the program is available.
1D.	Houston High School (HHS) Environmental Club & Mitigation Activity	Encourage and facilitate HHS Environmental Club "students, faculty and parents" to volunteer in Wolf River Lateral G watershed for current Capital Improvement Program (CIP) the will widen the that allows the community to learn and participate in the program through creek clean up, tree plantings, and other needed projects.

If you have additional BMPs to list, include in a separate attachment.

2. What specific groups will be targeted (e.g., service industries such as carpet cleaning, lawn care, civic groups, schools, church groups) if applicable: City of Germantown staff, residents, business, Home Owners Associations and development community

**C. Measurable Goals and Implementation Milestones:**

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

**D. Administrative Information:**

ADMINISTRATIVE INFORMATION FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
PRIMARY CONTACT	POSITION OR TITLE
Timothy P. Bierdz	Stormwater Manager

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Neighborhood Services	Neighborhood Services educational messages on utility bills and talk of the town
Public Works	Contract to provide street sweeping all streets within the City limits of Germantown
GIS	Update stormwater drain map and watershed basin for entire City

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
City of Germantown's Environmental Commission	Partner with City of Germantown Environmental Commission to provide public education and outreach concerning illicit discharges



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Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocality agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
Not at this time	

**SECTION 2 - ILLICIT DISCHARGE DETECTION AND ELIMINATION**

**A. Current Activities**

The following is a set of questions on your current Illicit Discharge Detection and Elimination Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1 of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently have a storm sewer system map that shows the location of system outfalls where the municipal storm sewer system discharges into receiving waters or conveyances owned or operated by another MS4? The map must also show: the names and location of waters that receive discharges from those outfalls; inputs into the storm sewer collection system, such as the inlets, catch basins, drop structures or other defined contributing points to the sewershed of that outfall; and general direction of stormwater flow.

Yes ☒ No ☐

2. Does the municipality currently have an ordinance or regulatory mechanism that prohibits unauthorized non-stormwater discharges into the storm sewer system? If yes, attach a copy and give page and section number(s). If No, proceed to the next section (inspections and enforcement).

Yes ☒ No ☐ Page Number 6 Paragraph Number Sec. 21-306 (a)

3. Does the ordinance or regulatory mechanism clearly define non-stormwater discharges, either through a written description of a non-stormwater discharge or through a listing of authorized or unauthorized non-stormwater discharges?

Yes ☒ No ☐

4. Does the ordinance or regulatory mechanism allow right-of-entry on private property for inspection of suspected discharges?

Yes ☒ No ☐

5. Does the ordinance or regulatory mechanism prohibit dumping?

Yes ☒ No ☐

6. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to eliminate unauthorized non-stormwater discharges in the event of violations? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number 8 Paragraph Number Sec.21-309 (b)

7. Does the ordinance or regulatory mechanism define penalties for violations? If yes, note maximum penalty, page number and paragraph number.

Yes ☒ No ☐ Maximum Penalty Page Number 18 Paragraph Number Sec.

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\$10,000.00

21-359 (e)

8. Does the municipality presently have personnel and procedures in place to detect, identify and eliminate non-stormwater discharges? If yes, describe and indicate percentage of system inspected: The stormwater manager enforces all violations of the illicit discharges through an administrative hearing process. The Community Development Director will hear the cases and any appeals will be taking to the Board of Mayor and Adlerman (BMA). In most cases illicit discharges are handled through consent or stop work orders issued by the stormwater manager

Yes ☒ No ☐

9. Does the municipality presently have procedures and personnel in place for enforcement of violations of the illicit discharge ordinance? If yes, describe: \_\_\_\_\_

Yes ☒ No ☐

10. Describe how enforcement actions are documented: All documents are processed and recorded through a database. Copies of enforcement orders, letters, and correspondence are kept in the database.

11. Has the municipality defined "hot spots" for non-stormwater discharge screening and inspection purposes? If yes, describe and provide a map of illicit discharge screening hot spots: \_\_\_\_\_

Yes ☐ No ☒

12. Does the municipality presently have procedures in place to receive and consider information and complaints about non-stormwater discharges that are submitted by the public? If yes, provide brief description: responsible departments, personnel, steps followed: Complaints related to non-stormwater discharges that are submitted by the public are addressed by the Community Development. The stormwater manager or his designee investigates the complaint taking pictures and talking to responsible persons.

Yes ☒ No ☐

**B. Proposed Activities:**

1. List the BMPs that you will implement in the area of Illicit Discharge Detection and Elimination. These should be based on a set of priorities that you have identified in the area of Illicit Discharge Detection and Elimination. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR ILICIT DISCHARGE DETECTION AND ELIMINATION		
BMP	Name	DESCRIPTION
2A.	SunGard Public Sector	Continue the use of SunGard Public Sector. A website/informational page that the City has been set up to allow citizens to voice complaints or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge
2B.	Maintain stormwater input/outfall mapping with current 6 year City Wide Master Drainage and Inventory Plan	Update map with new development information and/or new information collected during visual stream assessments, etc.
2C.	Update draft Stormwater Ordinance	Adopt and implement new stormwater ordinance which will address all new items not currently in the existing stormwater ordinance
2D.	Active Inspections	Continue to inspect streams and stormwater systems looking for illicit discharges

If you have additional BMPs to list, include in a separate attachment.

2. What specific groups will be targeted, if applicable? Economic and Community Development staff, residents, businesses, Code Compliance, Public Works and and Department that may be involved

**C. Measurable Goals and Implementation Milestones**

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

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**D. Administrative Information**

ADMINISTRATIVE INFORMATION FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION	
PRIMARY CONTACT	POSITION OR TITLE
Timothy P. Bierdz	Stormwater Manager

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
GIS	Review and update stormwater system mapping to ensure where businesses and residential developments illicit discharges may occur are identified.
Construction Inspection	Inspectors notify if any illicit discharges while inspecting
Code Compliance	Reporting on any illicit discharges they may see daily as they drive through and inspect the compliance issues within the City limits

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
City of Germantown's Environmental Commission	Partner with Environmental Commission to provide public education and outreach concerning illicit discharges
Germantown Municipal School District	Partner with GMSD to provide outreach and education for all students and facility concerning illicit discharges

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
Not at this time	

**SECTION 3 - CONSTRUCTION SITE STORMWATER RUNOFF PROGRAM**

**A. Current Activities**

The following is a set of questions on your current Construction Site Stormwater Runoff Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1 of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Do the current ordinances/regulations for the municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified: The Public is notified by newspaper, website, and during public meetings they have a chance to comment.

Yes ☒ No ☐

2. Do you currently have an erosion prevention and sediment control - or similar - ordinance or regulatory mechanism? If yes, include a copy and reference the paragraph number(s). If No, proceed to the next set of questions below about construction site plans review.

Yes ☒ No ☐ Page Number 9 Paragraph Number Sec. 21-310

3. Does the ordinance or regulatory mechanism require that site operators implement erosion prevention, sediment control, and other construction waste controls for land disturbance activities?

Yes ☒ No ☐

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4. Does the ordinance/regulatory mechanism require that controls be implemented for any land disturbances greater than or equal to one acre, or less than one acre if part of a large common plan of development or sale that would disturb one acre or more? If yes, note the page number and paragraph number where this is defined.

Yes ☒ No ☐ Page Number 9 Paragraph Number Sec. 21-311  
(a)

5. Does the ordinance or regulatory mechanism contain or reference technical standards for erosion and sediment control? If yes, note the page number and paragraph number where this is defined.

Yes ☒ No ☐ Page Number 10 Paragraph Number Sec. 21-311  
(c)

6. Do those technical standards meet or exceed the current effective Tennessee Construction General Permit (TNR100000) requirements for design storm and special conditions for waterbodies with unavailable parameters or Exceptional Tennessee Waters?

Yes ☒ No ☐

7. Do those technical standards require that construction activities maintain temporary water quality riparian buffers during construction?

Yes ☐ No ☒

8. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment construction for construction site runoff?

Yes ☒ No ☐

9. Does the technical review process require an erosion prevention and sediment control plan with appropriate BMPs?

Yes ☒ No ☐

10. Does the review process include a requirement for pre-construction meeting between the municipality and site developer, for priority construction sites?

Yes ☒ No ☐

11. If there is a review process, provide a brief narrative or a flow chart of the process, describing the process steps, responsible personnel, and criteria used for evaluation of information or plans that are submitted: See City of Germantown's flow chart

12. Does the municipality presently have procedures in place for receipt and consideration of information and complaints submitted by the public?

Yes ☒ No ☐

If yes, provide a brief narrative of the receipt process and procedures, describing process steps, responsible departments, personnel (by title). Information is logged into SunGard Public Sector. This is a website/informational page that the City set up to allow citizens to voice complaints or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge

13. Does the municipality presently have personnel and procedures in place for construction site runoff inspection?

Yes ☒ No ☐

14. Does the program provide for pre-construction meeting and monthly inspection of priority construction activities?

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Yes ☒ No ☐

15. Does the municipality presently have procedures and personnel in place for enforcement to the maximum extend for violations of construction site requirements?

Yes ☒ No ☐

16. Does the municipality use a Stop Work or similar order to enforce compliance with construction site policies and requirements?

Yes ☒ No ☐

17. How are enforcement actions documented? Reports are taken regarding the incident and included in a file maintained database for the MS4 program.

18. Have MS4 inspectors who conduct inspections of construction sites received certification under the Tennessee Fundamentals of Erosion Prevention and Sediment Control, Level 1, and construction site plan reviewers a certificate of completion from the Tennessee Erosion Prevention and Sediment Control Design Course, Level 2?

Yes ☒ No ☐

**B. Proposed Activities:**

1. List the BMPs that you will implement in the area of Construction Site Runoff Program. These should be based on a set of priorities that you have identified in the area of Construction Site Runoff Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM		
BMP	Name	DESCRIPTION
3A.	Stormwater management ordinance	Maintain and update as necessary stormwater ordinances to comply with CGP per the MS4 requirement and implement the requirement to resubmit the grading application when significant changes are proposed
3B.	Implementation of a BMP Manual	City to implement a Stormwater Management Best Management Practices (BMP) manual.
3C.	Site Plan Review Process	Review the current process for receiving, reviewing and approving plans submitted for new construction and land disturbance activities. Implement preconstruction meetings. Recommend changes as needed.
3D.	Review Inspection Program	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.

If you have additional BMPs to list, include in a separate attachment.

2. Describe specific groups that will be targeted, if applicable: Community Development staff, Contractors, Developers, Public Works, Code Compliance and others responsible for construction site activities in City of Germantown

**C. Measurable Goals and Implementation Milestones**

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

**D. Administrative Information**

ADMINISTRATIVE INFORMATION FOR CONSTRUCTION SITE RUNOFF PROGRAM	
PRIMARY CONTACT	POSITION OR TITLE
Timothy P. Bierdz	Stormwater Manager

Identify other Department(s) that will be involved and their role.

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OTHER DEPARTMENT(S)	ROLE
Community Development	Inform primary contact and the public regarding construction site issues/violations
Public Works	Inform primary contact and the public regarding construction site issues/violations

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
City of Germantown's Environmental Commission	Partner with Environmental Commission to provide outreach and education with local contractors and developers.
Germantown Municipal School District	Partner with GMSD to provide outreach and education for all students and facility

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
Not at this time	

**SECTION 4 - PERMANENT STORMWATER MANAGEMENT AT NEW DEVELOPMENT AND REDEVELOPMENT**

**A. Current Activities:**

The following is a set of questions on your current Permanent Stormwater Management in New Development and Redevelopment Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1 of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently have in place mechanisms or strategies to address permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more? For example, land use planning requirements, zoning directives, site-based pollutant removal controls; stormwater detention or storage; practices that infiltrate stormwater; vegetative practices.

Yes ☐ No ☒

If yes, provide a brief narrative of - and/or references to - the structural and non-structural strategies, describing strategies implemented, Best Management Practices allowed, technical guidance, responsible departments, and personnel (by title): \_\_\_\_\_

2. Do you currently have an ordinance or regulatory mechanism that addresses permanent stormwater runoff management from new development and redevelopment projects? If yes, reference the page number and paragraph number. If no, proceed to the next section on permanent stormwater management plans review.

Yes ☐ No ☒ Page Number \_\_\_\_\_ Paragraph Number \_\_\_\_\_

3. Does the ordinance or regulatory mechanism require controls to treat pollutants in stormwater runoff? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number \_\_\_\_\_ Paragraph Number \_\_\_\_\_

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4. Does the ordinance or regulatory mechanism require (explicitly or implicitly) that controls be implemented for any new development or redevelopment projects greater than or equal to one acre, including projects less than one acre that are part of a large common plan of development or sale, that discharge into your small MS4? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number 11 Paragraph Number Sec. 21-342 (4 & 5)

5. Does the ordinance or regulatory mechanism contain or reference technical standards for water quality controls? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number 10 Paragraph Number Sec. 21-312

6. Does the ordinance or regulatory mechanism clearly define the criteria for submittal -who must submit - of permanent stormwater management design information or plans? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number        Paragraph Number       

7. Does the ordinance or regulatory mechanism require approval prior to construction of permanent stormwater management controls? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number 11 Paragraph Number Sec. 21-342 (2)

8. Does the ordinance or regulatory mechanism require re-submittal of permanent stormwater management design information or plans if site plans change after the initial design has been approved? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number        Paragraph Number       

9. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to penalize the owner of permanent stormwater management controls for violations? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number        Paragraph Number       

10. Does the ordinance or regulatory mechanism require that permanent stormwater management controls have adequate and long-term operation and maintenance? If yes, note page number and paragraph number. If no, describe how the MS4 owner/operator maintains permanent stormwater management controls:       

Yes ☐ No ☒ Page Number        Paragraph Number       

11. Does the ordinance or regulatory mechanism require establishment and maintenance of water quality riparian buffers in areas of new development and redevelopment?

Yes ☒ No ☐

12. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment with regard to the impact that permanent stormwater runoff will have on receiving streams?

Yes ☒ No ☐

If Yes, provide a brief narrative or a flow chart of the review process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted: Community Development receives all site plans complete with landscaping, grading, storm water and sediment and erosion control plans which are reviewed by the Community Development, Fire Marshall Office and Public Works before approved

**B. Proposed Activities:**



**Phase II Stormwater Permit Notice of Intent (NOI)**  
**Phase II Municipal Separate Storm Sewer Systems (MS4)**

List the BMPs that you will implement in the area of the Permanent Stormwater Management Plans Review. These should be based on a set of priorities that you have identified in the area of the Permanent Stormwater Management Plans Review. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR PERMANENT STORMWATER PLANS REVIEW		
BMP	Name	DESCRIPTION
4A.	Plans Review	Review all plans for compliance with the Tennessee Permanent Stormwater Management and Design Guidance Manual as adopted in the City ordinance.
4B.	Permanent Stormwater Management	Continue enforcing permanent stormwater management requirements per current Ordinance. Review 2016 permit options for adoption.
4C.	Development Contract / New Maintenance Agreement	Review and modify the existing Development Contract or require separate Maintenance Agreement for all residential and non-residential projects to ensure that permanent stormwater controls are installed and maintained per new general permit requirements.
4D.	Inspect Permanent Stormwater Control Measures	Inspect all Permanent Stormwater Control Measures at least once every 5 years and make sure maintenance is being performed or enforcement actions are taken according to Ordinance.

If you have additional BMPs to list, include in a separate attachment.

Describe the specific groups that will be targeted, if applicable? All developments over 1 acre

**C. Measurable Goals and Implementation Milestones:**

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

**D. Administrative Information:**

ADMINISTRATIVE INFORMATION FOR PERMANENT STORMWATER MANAGEMENT PLANS REVIEW	
PRIMARY CONTACT	POSITION OR TITLE
Timothy P. Bierdz	Stormwater Manager

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Community Development	Receives plans and issues permits

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
City of Germantown's Environmental Commission	Partner with City's of Germantown Environmental Commission to help with Stormwater Education

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
Not at this time	



**Phase II Stormwater Permit Notice of Intent (NOI)  
Phase II Municipal Separate Storm Sewer Systems (MS4)**

**SECTION 5 - POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

**A. Current Activities:**

The following is a set of questions on your current Pollution Prevention/Good Housekeeping for Municipal Operations Program. These questions are intended to highlight minimum program requirements under the MS4 permit. Each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality's current Pollution Prevention/Good Housekeeping program provide annual training for employees responsible for municipal operations at facilities within the jurisdiction of the permittee that handle, generate and/or store materials which constitute a potential pollutant of concern for MS4s? Examples of these materials may include, but are not limited to, lubricants, fuels, sand, gravel, soil, salt, pesticide, fertilizer, garbage, trash, clippings, vehicles, equipment, and other wastes.

Yes ☒ No ☐

2. Are training activities documented? If yes, describe training and method of record-keeping: Training activities for City's staff is provided through MTAS. Names are documented for who attended. This is mainly for Public Works and Community Development.

Yes ☒ No ☐

3. Has the MS4 owner/operator obtained a Tennessee Multi-Sector General Permit or a no-exposure certification for all qualifying municipal industrial activities? If yes, give permit numbers or attach copies of the No-Exposure Certification form.

Yes ☐ No ☒ Permit Numbers(s) \_\_\_\_\_

4. List municipal operations or facilities that have a potential for contaminating stormwater runoff such as the following: streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas operated by the MS4, and waste disposal, storage, and transfer stations. If there is more than one facility for a given type of operation; give the number of such facilities. Indicate if an operation and maintenance plan, which includes maintenance activities, schedules and the proper disposal of waste from related structural and non-structural stormwater controls, has been implemented for each facility or operation.

FACILITY OR TYPE OF OPERATION	NUMBER OF FACILITIES	OPERATION AND MAINTENANCE PLAN IMPLEMENTED?
Fleet Services	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Public Works	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Recycling Center	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Animal Shelter	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Fire Stations	4	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Oil Recycling Center	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>

**B. Proposed Activities:**

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List the BMPs that you will implement in the area of the Pollution Prevention and Good Housekeeping Program. These should be based on a set of priorities that you have identified in the area of the Pollution Prevention and Good Housekeeping Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

In addition to considering industrial-type operations, you must also consider municipal infrastructure, and related maintenance activities, maintenance schedules and long-term inspection procedures for structural controls and the proper disposal of waste from storm sewers/catch basins.

PROPOSED BEST MANAGEMENT PRACTICES FOR POLLUTION PREVENTION AND HOUSEKEEPING		
BMP	Name	DESCRIPTION
5A.	Street Sweeping	Regularly scheduled sweeping of all public streets within the City limits
5B.	Drainage Structure Inspection	Visually inspect and monitor all drainage outfalls as identified on GIS mapping during and after major rain events for obstructions. Keep GIS mapping updated as additional drainage structures are constructed which warrant regular inspection
5C.	Monthly Inspections	Conduct monthly Housekeeping inspections of Municipal Facilities and operations
5D.	Conduct Training	Conduct new employee training within 6 months and key personnel training at least once every 5 years to make sure that they understand the SWPPP and reporting requirements.

If you have additional BMPs to list, include in a separate attachment.

Provide specific groups that will be targeted, if applicable: Community Development staff, Contractors, Developers, Public Works, Code Compliance and others responsible for any activity in City of Germantown

**C. Measurable Goals and Implementation Milestones:**

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

**D. Administrative Information:**

ADMINISTRATIVE INFORMATION FOR POLLUTION PREVENTION AND HOUSEKEEPING	
PRIMARY CONTACT	POSITION OR TITLE
Timothy P. Bierz	Stormwater Manager

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Public Works	Inspecting and revising SWPPP (O&M plan) for Public Works
Parks and Recreation	Inspecting and revising SWPPP (O&M plan) for Parks and Grounds

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
Germantown Municipal School District	Partner with GMSD to provide pollution prevention and house keeping education for all students and facility

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
Not at this time	

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**Phase II Stormwater Permit Notice of Intent (NOI)**  
**Phase II Municipal Separate Storm Sewer Systems (MS4)**

**ADDENDUM TO SMALL MS4 NPDES PERMIT NOI - BMPs MEASURABLE GOALS AND MILESTONES**

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures. If necessary, attach additional BMP MEASURABLE GOALS AND MILESTONES as a separate attachment.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP. The BMPs you list here should match exactly those given in Part V., 1-5 of this NOI. For purposes of this NOI, the Public Education and Outreach and Public Involvement/Participation minimum measures have been combined.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year.

<b>BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION</b>	
<b>BMP 1A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	City Stormwater Web Page
Milestone Year 1	Continue to update City Stormwater Page with ordinances, policies, and useful information.
Milestone Year 2	Stormwater webpage is maintained through the Economic and Community Development Department's webpage and is updated as needed.
Milestone Year 3	Continue to update City Stormwater Page with ordinances, policies, and useful information.
Milestone Year 4	Stormwater webpage is maintained through the Economic and Community Development Department's webpage and is updated as needed.
Milestone Year 5	Continue to update City Stormwater Page with ordinances, policies, and useful information.
<b>BMP 1B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Stormwater Education Brochures
Milestone Year 1	City of Germantown distributes various types of brochures related to stormwater education and watershed protection. Media targeted to development community, homeowners and students, etc.
Milestone Year 2	City of Germantown distributes various types of brochures related to stormwater education and watershed protection. Media targeted to development community, homeowners and students, etc.
Milestone Year 3	City of Germantown distributes various types of brochures related to stormwater education and watershed protection. Media targeted to development community, homeowners and students, etc.
Milestone Year 4	City of Germantown distributes various types of brochures related to stormwater education and watershed protection. Media targeted to development community, homeowners and students, etc.
Milestone Year 5	City of Germantown distributes various types of brochures related to stormwater education and watershed protection. Media targeted to development community, homeowners and students, etc.
<b>BMP 1C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Teaming up with Tennessee Stormwater Association (TNSA) / Tennessee American Broadcast (TAB)
Milestone Year 1	Plan on participating in distributing a series of radio educational messages throughout the state about stormwater through the TNSA/TAB Program.
Milestone Year 2	Plan on participating in distributing a series of radio educational messages throughout the state about stormwater through the TNSA/TAB Program.
Milestone Year 3	Plan on participating in distributing a series of radio educational messages throughout the state about stormwater through the TNSA/TAB Program.
Milestone Year 4	Plan on participating in distributing a series of radio educational messages throughout

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Phase II Municipal Separate Storm Sewer Systems (MS4)**

	the state about stormwater through the TNSA/TAB Program.
Milestone Year 5	Plan on participating in distributing a series of radio educational messages throughout the state about stormwater through the TNSA/TAB Program.
<b>BMP 1D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Partner with Houston High School (HHS) Environmental Club summer of 2017
Milestone Year 1	Develop program to get HHS Environmental Club to implement a planting schedule and volunteers to plant materials in widen Lateral adjacent to there parking lot
Milestone Year 2	HHS Environmental Club to help clean up the Lateral and schedule volunteers
Milestone Year 3	HHS Environmental Club to help clean up the Lateral and schedule volunteers
Milestone Year 4	HHS Environmental Club to help clean up the Lateral and schedule volunteers
Milestone Year 5	HHS Environmental Club to help clean up the Lateral and schedule volunteers

<b>BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION</b>	
<b>BMP 2A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	SunGard Public Sector
Milestone Year 1	Continue the use of SunGard Public Sector. A website/informational page that the City has been set up to allow citizens to voice compliants or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge
Milestone Year 2	Continue the use of SunGard Public Sector. A website/informational page that the City has been set up to allow citizens to voice compliants or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge
Milestone Year 3	Continue the use of SunGard Public Sector. A website/informational page that the City has been set up to allow citizens to voice compliants or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge
Milestone Year 4	Continue the use of SunGard Public Sector. A website/informational page that the City has been set up to allow citizens to voice compliants or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge
Milestone Year 5	Continue the use of SunGard Public Sector. A website/informational page that the City has been set up to allow citizens to voice compliants or request information on any topic related to the City. Citizens can report any activity which might be deemed an illicit discharge

<b>BMP 2B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Maintain stormwater input/outfall mapping with current 6 year City Wide Master Drainage and Inventory Plan
Milestone Year 1	Update map with new development / redevelopment information and/or new information collected during visual stream assessments and current City Wide Master Drainage and Inventory Plan. Year 1 Miller Farms Ditch Watershed Basin (Lateral B)
Milestone Year 2	Update map with new development / redevelopment information and/or new information collected during visual stream assessments and current City Wide Master Drainage and Inventory Plan. Year 2 Lateral C Watershed Basin
Milestone Year 3	Update map with new development / redevelopment information and/or new information collected during visual stream assessments and current City Wide Master Drainage and Inventory Plan. Year 3 Lateral D Watershed Basin
Milestone Year 4	Update map with new development / redevelopment information and/or new information collected during visual stream assessments and current City Wide Master Drainage and Inventory Plan. Year 34Lateral A Watershed Basin
Milestone Year 5	Update map with new development / redevelopment information and/or new information collected during visual stream assessments and current City Wide Master Drainage and Inventory Plan. Year 5 Lateral E Watershed Basin

<b>BMP 2C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Update draft Stormwater Ordinance

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Milestone Year 1	Adopt and implement new stormwater ordinance which will address all new items not currently in the existing stormwater ordinance. Year one elevation
Milestone Year 2	Adopt and implement new stormwater ordinance which will address all new items not currently in the existing stormwater ordinance. Year two City attorney approval
Milestone Year 3	Adopt and implement new stormwater ordinance which will address all new items not currently in the existing stormwater ordinance. Year three City Public Meeting
Milestone Year 4	Adopt and implement new stormwater ordinance which will address all new items not currently in the existing stormwater ordinance. Year four adoption
Milestone Year 5	If needed review and revise ordinance year five.
<b>BMP 2D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Active Inspections
Milestone Year 1	Continue inspections of stormwater system looking for illicit discharges and outfalls within the 5 year permit cycle.
Milestone Year 2	Continue inspections of stormwater system looking for illicit discharges and outfalls within the 4 year permit cycle.
Milestone Year 3	Continue inspections of stormwater system looking for illicit discharges and outfalls within the 3 year permit cycle.
Milestone Year 4	Continue inspections of stormwater system looking for illicit discharges and outfalls within the 2 year permit cycle.
Milestone Year 5	Continue inspections of stormwater system looking for illicit discharges and outfalls within the 1 year permit cycle.

<b>BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM</b>	
<b>BMP 3A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Stormwater Management Ordinance
Milestone Year 1	Maintain and update as necessary stormwater ordinances to comply with CGP per the MS4 requirement and implement the requirement to resubmit grading application when significant changes are proposed.
Milestone Year 2	Implement and enforce ordinance
Milestone Year 3	Continue to Enforce Ordinance
Milestone Year 4	Continue to Enforce Ordinance
Milestone Year 5	Continue to Enforce Ordinance
<b>BMP 3B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Implementation of a BMP Manual
Milestone Year 1	City to implement and draft a Stormwater Management Best Management Practices (BMP) manual year one.
Milestone Year 2	City to make revisions to the draft Stormwater Management Best Management Practices (BMP) manual year two.
Milestone Year 3	City to review and make changes to Stormwater Management Best Management Practices (BMP) manual year three.
Milestone Year 4	City to adopt draft Stormwater Management Best Management Practices (BMP) manual year four.
Milestone Year 5	City to use new adopted Stormwater Management Best Management Practices (BMP) manual year five.

<b>BMP 3C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Site Plan Review Processes
Milestone Year 1	Review the current process for receiving, reviewing and approving plans submitted for new construction and land disturbance activities. Implement preconstruction meetings. Recommend changes as needed.
Milestone Year 2	Continue to monitor and review process for site plan review and make recommendations for changes.
Milestone Year 3	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.
Milestone Year 4	Maintain existing inspection program and penalties for violators up to the maximum

**Phase II Stormwater Permit Notice of Intent (NOI)**  
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	allowable by law.
Milestone Year 5	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.
<b>BMP 3D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Review Inspection Program
Milestone Year 1	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.
Milestone Year 2	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.
Milestone Year 3	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.
Milestone Year 4	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.
Milestone Year 5	Maintain existing inspection program and penalties for violators up to the maximum allowable by law.

<b>BEST MANAGEMENT PRACTICES FOR PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT PROGRAM</b>	
<b>BMP 4A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Plans Review
Milestone Year 1	Review all plans for compliance with the Tennessee Permanent Stormwater Management and Design Guidance Manual as adopted in the draft City ordinance. Year one
Milestone Year 2	Make revisions for all plans for compliance with the Tennessee Permanent Stormwater Management and Design Guidance Manual as adopted in the draft City ordinance. Year two
Milestone Year 3	Continue to maintain plans for compliance with the Tennessee Permanent Stormwater Management and Design Guidance Manual as adopted in the draft City ordinance. Year three
Milestone Year 4	Make revisions as necessary. Year four
Milestone Year 5	Make revisions as necessary. Year five
<b>BMP 4B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Permanent Stormwater Management
Milestone Year 1	Continue enforcing permanent stormwater management requirements per current draft Ordinance. Year one
Milestone Year 2	Make revisions to draft ordinance for enforcing permanent stormwater management. Year two
Milestone Year 3	Make revisions to draft ordinance for enforcing permanent stormwater management. Year three
Milestone Year 4	Make revisions to draft ordinance for enforcing permanent stormwater management. Year four
Milestone Year 5	Make revisions to draft ordinance for enforcing permanent stormwater management. Year five

<b>BMP 4C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Development Contract / New Maintenance Agreement
Milestone Year 1	Review and modify the existing Development Contract or require separate Maintenance Agreement for all residential and non-residential projects to ensure that permanent stormwater controls are installed and maintained per new general permit requirements.
Milestone Year 2	Review and modify the existing Development Contract or require separate Maintenance Agreement for all residential and non-residential projects to ensure that permanent stormwater controls are installed and maintained per new general permit requirements.
Milestone Year 3	Review and modify the existing Development Contract or require separate Maintenance Agreement for all residential and non-residential projects to ensure that permanent stormwater controls are installed and maintained per new general permit requirements.
Milestone Year 4	Review and modify the existing Development Contract or require separate Maintenance

**Phase II Stormwater Permit Notice of Intent (NOI)**  
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	Agreement for all residential and non-residential projects to ensure that permanent stormwater controls are installed and maintained per new general permit requirements.
Milestone Year 5	Review and modify the existing Development Contract or require separate Maintenance Agreement for all residential and non-residential projects to ensure that permanent stormwater controls are installed and maintained per new general permit requirements.
<b>BMP 4D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Inspect Permanent Stormwater Control Measures
Milestone Year 1	Inspect at least 20 % of all Permanent Stormwater Control Measures every year and make sure maintenance is being performed or enforcement actions are taken according to Ordinance. (If the inspections are not performed by the MS4, ensure that the responsible party is fulfilling the obligation). Year one
Milestone Year 2	Inspect at least 20 % of all Permanent Stormwater Control Measures every year and make sure maintenance is being performed or enforcement actions are taken according to Ordinance. (If the inspections are not performed by the MS4, ensure that the responsible party is fulfilling the obligation). Year two
Milestone Year 3	Inspect at least 20 % of all Permanent Stormwater Control Measures every year and make sure maintenance is being performed or enforcement actions are taken according to Ordinance. (If the inspections are not performed by the MS4, ensure that the responsible party is fulfilling the obligation). Year three
Milestone Year 4	Inspect at least 20 % of all Permanent Stormwater Control Measures every year and make sure maintenance is being performed or enforcement actions are taken according to Ordinance. (If the inspections are not performed by the MS4, ensure that the responsible party is fulfilling the obligation). Year four
Milestone Year 5	Inspect at least 20 % of all Permanent Stormwater Control Measures every year and make sure maintenance is being performed or enforcement actions are taken according to Ordinance. (If the inspections are not performed by the MS4, ensure that the responsible party is fulfilling the obligation). Year five

<b>BEST MANAGEMENT PRACTICES FOR MUNICIPAL POLLUTION PREVENTION AND GOOD HOUSEKEEPING</b>	
<b>BMP 5A</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Continue Street Sweeping Contract
Milestone Year 1	Regular sweeping 20% of all City's public streets year 1. Review and revise schedule as needed.
Milestone Year 2	Regular sweeping 20% of all City's public streets year 2. Review and revise schedule as needed.
Milestone Year 3	Regular sweeping 20% of all City's public streets 3. Review and revise schedule as needed.
Milestone Year 4	Regular sweeping 20% of all City's public streets 4. Review and revise schedule as needed.
Milestone Year 5	Regular sweeping 20% of all City's public streets 5. Review and revise schedule as needed.
<b>BMP 5B</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
Goal(s)	Drainage Structure Inspection
Milestone Year 1	Visually inspect 20% public drainage structures and public storm sewer pipes during and after major rain events for obstructions. Keep GIS updated as additional drainage structures are constructed which warrant regular inspection.
Milestone Year 2	Visually inspect 20% public drainage structures and public storm sewer pipes during and after major rain events for obstructions. Keep GIS updated as additional drainage structures are constructed which warrant regular inspection.
Milestone Year 3	Visually inspect 20% public drainage structures and public storm sewer pipes during and after major rain events for obstructions. Keep GIS updated as additional drainage structures are constructed which warrant regular inspection.
Milestone Year 4	Visually inspect 20% public drainage structures and public storm sewer pipes during and after major rain events for obstructions. Keep GIS updated as additional drainage structures are constructed which warrant regular inspection.



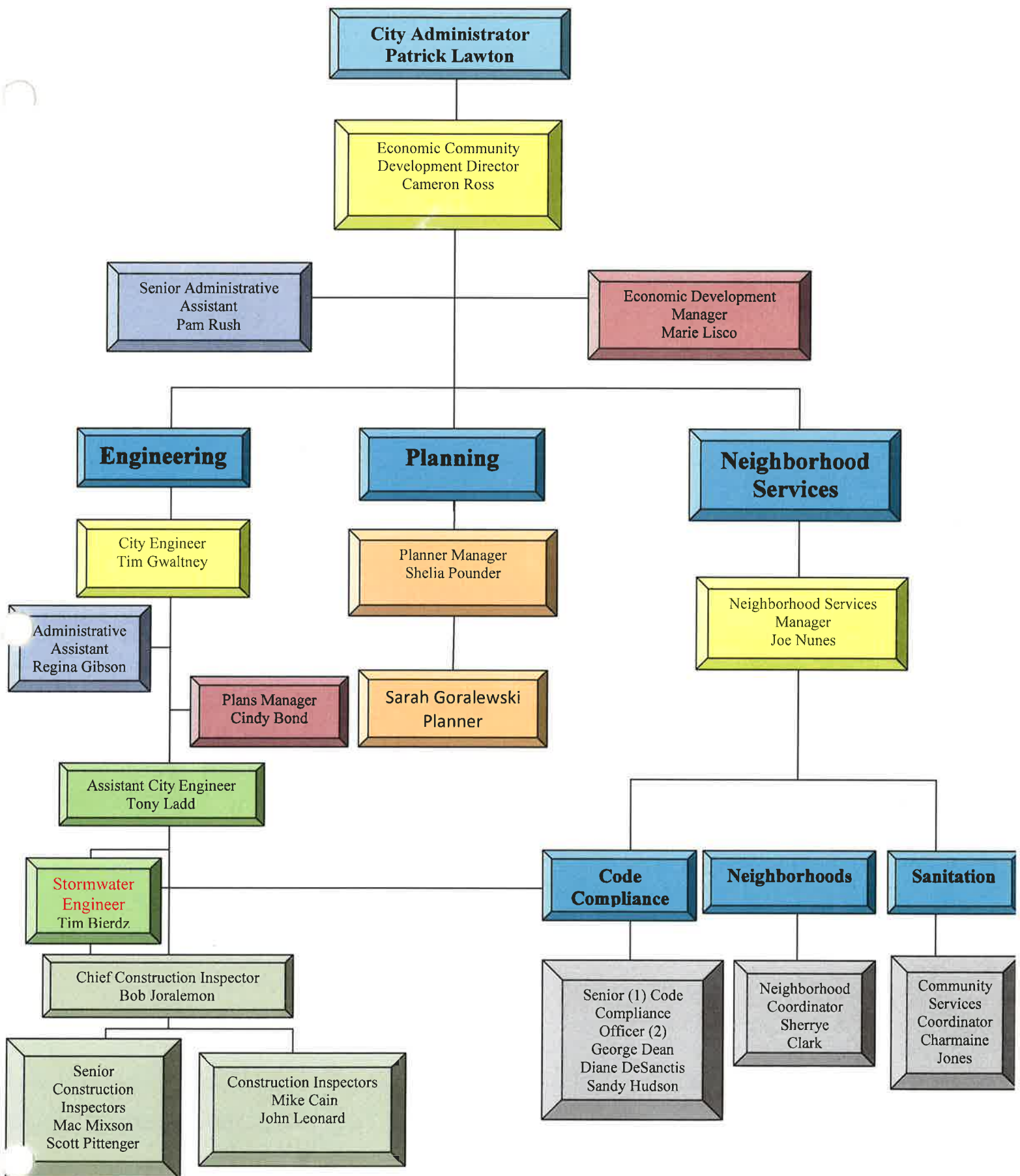
**Phase II Stormwater Permit Notice of Intent (NOI)**  
**Phase II Municipal Separate Storm Sewer Systems (MS4)**

<b>Milestone Year 5</b>	Visually inspect 20% public drainage structures and public storm sewer pipes during and after major rain events for obstructions. Keep GIS updated as additional drainage structures are constructed which warrant regular inspection.
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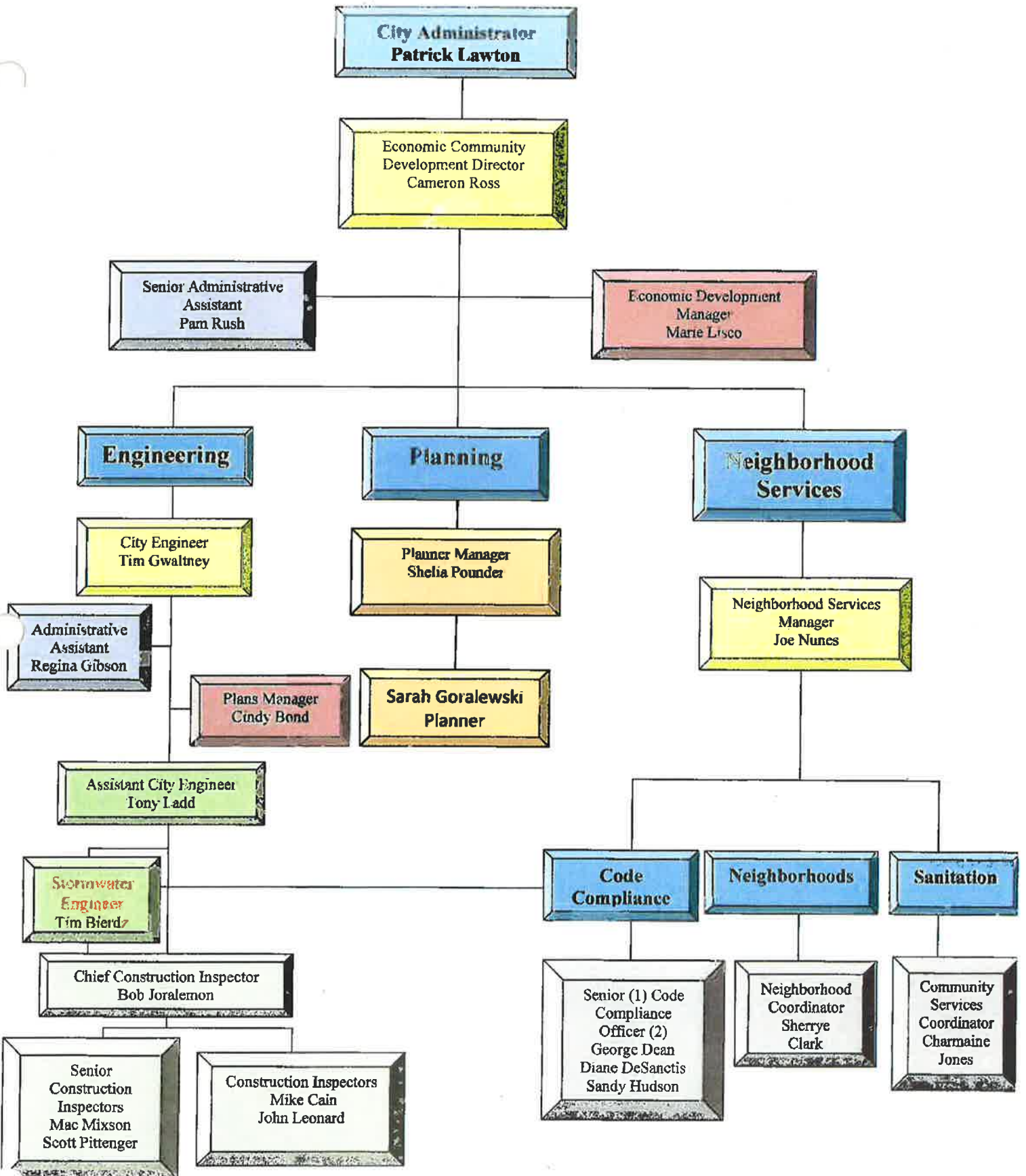
<b>BMP 5C</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
<b>Goal(s)</b>	Monthly Inspections
<b>Milestone Year 1</b>	Conduct monthly Housekeeping inspections of Municipal Facilities and Operations requiring O&M Plan. Update plan as necessary due to effectiveness reviews.
<b>Milestone Year 2</b>	Conduct monthly Housekeeping inspections of Municipal Facilities and Operations requiring O&M Plan. Update plan as necessary due to effectiveness reviews.
<b>Milestone Year 3</b>	Conduct monthly Housekeeping inspections of Municipal Facilities and Operations requiring O&M Plan. Update plan as necessary due to effectiveness reviews.
<b>Milestone Year 4</b>	Conduct monthly Housekeeping inspections of Municipal Facilities and Operations requiring O&M Plan. Update plan as necessary due to effectiveness reviews.
<b>Milestone Year 5</b>	Conduct monthly Housekeeping inspections of Municipal Facilities and Operations requiring O&M Plan. Update plan as necessary due to effectiveness reviews.

<b>BMP 5D</b>	<b>MEASURABLE GOALS AND MILESTONES</b>
<b>Goal(s)</b>	Conduct Key Personnel Good Housekeeping Training
<b>Milestone Year 1</b>	Conduct new employee training within 6 months and key personnel training at least once every 5 years to make sure that they understand the SWPPP and reporting requirements.
<b>Milestone Year 2</b>	Keep program active for the following years.
<b>Milestone Year 3</b>	Keep program active for the following years.
<b>Milestone Year 4</b>	Keep program active for the following years.
<b>Milestone Year 5</b>	Keep program active for the following years.



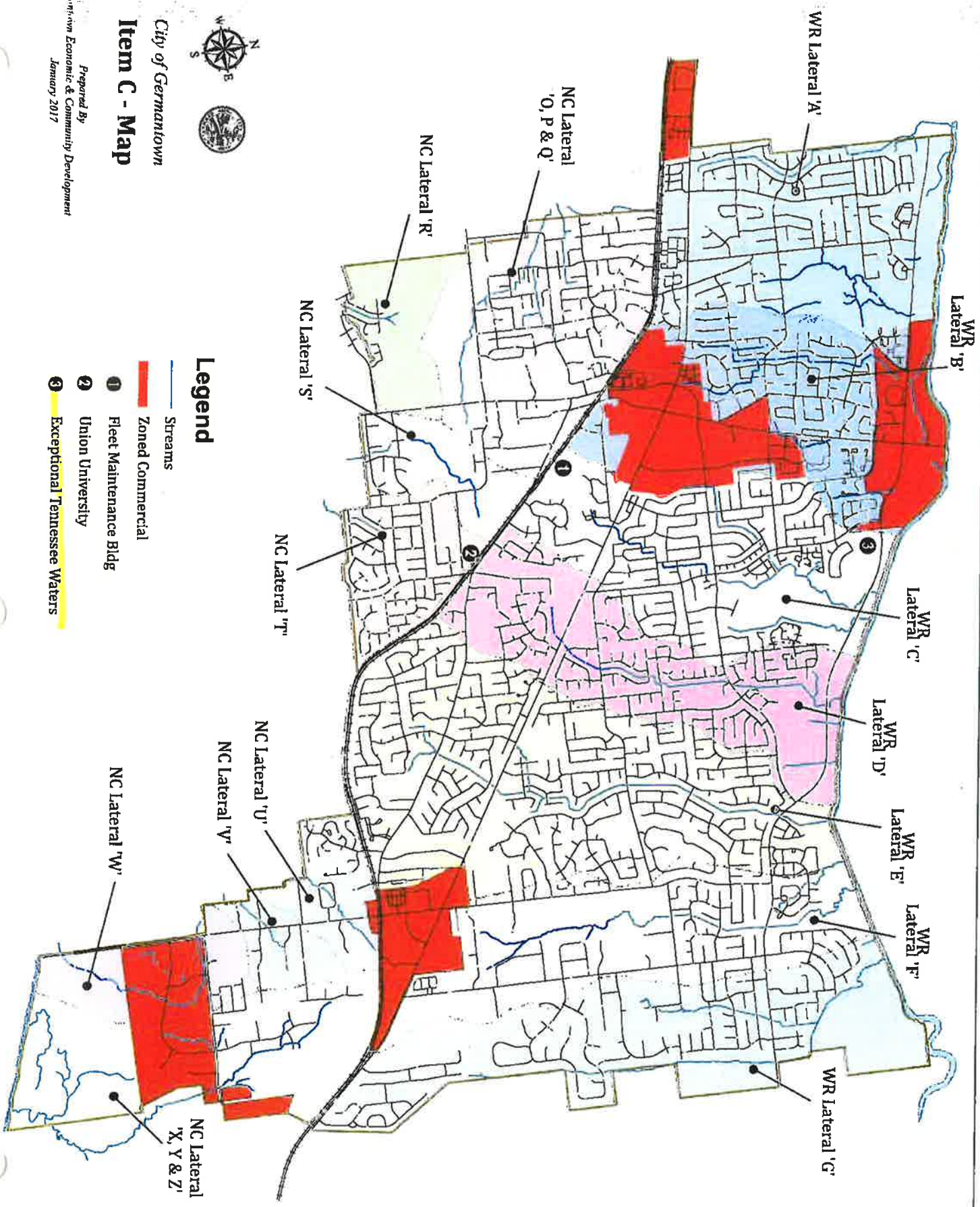












# **Legend**

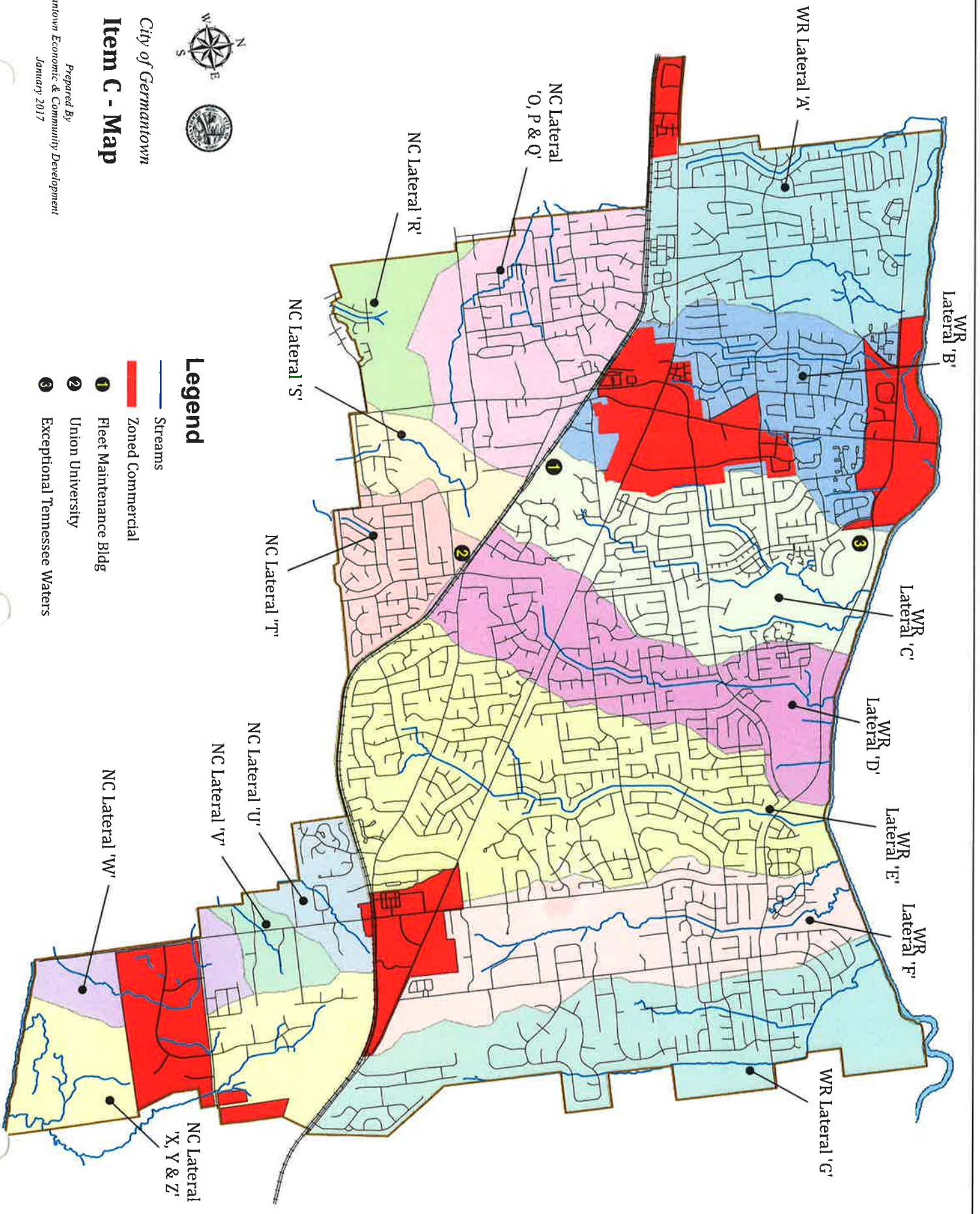
- Streams
- Zoned Commercial
- 1 Fleet Maintenance Bldg
- 2 Union University
- 3 Exceptional Tennessee Waters

## **City of Germantown** **Item C - Map**

Prepared By  
Tennessee Economic & Community Development  
January 2017







**City of Germantown**  
**Item C - Map**

Prepared By  
 Germantown Economic & Community Development  
 January 2017



## ARTICLE VII. - STORMWATER MANAGEMENT AND POLLUTION CONTROL

### DIVISION 1. - GENERALLY

#### Sec. 21-300. - Objectives.

(a) The objectives of this article are:

- (1) To protect public health, safety and general welfare.
- (2) To eliminate any non-allowable discharges to City of Germantown MS4 that adversely impact water quality.
- (3) To provide for the sound use and development of all flood-prone areas in such a manner as to maximize beneficial use without increasing flood hazard potential or diminishing the quality of the natural stormwater resources.
- (4) To provide for sound fiscal management of the community and maintain a stable tax base by providing appropriate fees and other dedicated funding sources for the administration of the watershed management program.
- (5) To increase the awareness of the public, property owners and potential homebuyers regarding stormwater impacts (i.e. flooding, erosion).
- (6) To minimize prolonged business interruptions.
- (7) To minimize stormwater damage to public facilities and utilities such as water and gas mains; electric, telephone, storm and sanitary sewer lines; and streets and bridges.
- (8) To promote a functional public and private stormwater management system that will not result in excessive maintenance costs.
- (9) To encourage the use of natural and aesthetically pleasing design that maximizes preservation of natural areas.
- (10) To promote the use of comprehensive watershed management plans.
- (11) To encourage preservation of floodplains, floodways and open spaces.
- (12) To encourage community stewardship of the City of Germantown's water resources.
- (13) It is further the purpose of this chapter to enable the City of Germantown to comply with the NPDES Permit and applicable regulations (at 40 CFR 122.32-35) for stormwater discharges.

(Ord. No. 2010-7, § 1, 9-27-10)

#### Sec. 21-301. - Conflict.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. If any provisions of this article and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

(Ord. No. 2010-7, § 1, 9-27-10)

#### Sec. 21-302. - Severability.



If any provision of this chapter or its application to any person, entity, or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. Should any article, section, subsection, clause or provision of ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable.

(Ord. No. 2010-7, § 1, 9-27-10)

#### Sec. 21-303. - Definitions.

For the purpose of this article, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

Accidental discharges means a discharge prohibited by this chapter into the City of Germantown MS4 that occurs by chance and without planning or consideration prior to occurrence.

Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of stormwater runoff. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Clean Water Act or the Act means the Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. 1251 et. seq.

Commercial means property devoted in whole or part to commerce, that is, the exchange and buying and selling of commodities or services. The term shall include, by way of example, but not be limited to the following businesses: amusement establishments, animal clinics or hospitals, automobile service stations, automobile car washes, automobile and vehicular repair shops, banking establishments, beauty and barber shops, bowling alleys, and repair shops, camera shops, dental offices or clinics, day care centers, department stores, drug stores, funeral homes, furniture stores, gift shops, greenhouses, grocery stores, hardware stores, hotels, jewelry stores, laboratories, laundries, and dry cleaning establishments, liquor stores, medical offices and clinics, motels, movie theaters, office buildings, paint stores or shops, parking lots, produce markets, professional offices, radio stations, repair establishments, retail stores, television stations and production facilities, theaters, and truck or construction equipment service stations.

Construction activity shall mean any clearing, grading, excavating, or equipment usage that will result in the disturbance of the land surface and is subject to stormwater permit requirements under the State of Tennessee General Permit for stormwater Discharges Associated with Construction Activity. The term shall not include:

- (1) Such minor construction activities as home gardens and individual home landscaping, home repairs, home maintenance work and other related activities that result in minor soil erosion;
- (2) Individual service and sewer connections for single or two family residences;
- (3) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices and the construction of farm buildings;
- (4) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (5) Installation, maintenance, and repair of any underground public utility lines when such activity occurs in an existing hard surface road, street or sidewalk, provided the activity is confined to



the area of the road, street or sidewalk which is hard surfaced and a street, curb, gutter or sidewalk Permit has been obtained;

Critical design storm means the design storm specified in the Shelby County Watershed Management Manual (SWMM).

Development means any activity subject to the Tennessee General Permit for Construction Activities.

Director means City of Germantown Director of Community Development.

Erosion and sediment control plan means a written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a construction activity.

Impervious means not allowing the passage of water through the surface of the ground or ground covering or a substantial reduction in the capacity for water to pass through the surface of the ground or ground covering.

Industrial facility is a business engaged in industrial production or service, that is, a business characterized by manufacturing or productive enterprise or a related service business. This term shall include but not be limited to the following: greenhouses, and utility transmission.

Institutional means an established organization, especially of a public or charitable nature. This term shall include, by way of example, but not be limited to, the following: churches, community buildings, colleges, day care facilities, dormitories, drug or alcohol rehabilitation facilities, fire halls, fraternal organizations, golf courses and driving ranges, government buildings, hospitals, libraries, kindergartens, or preschools, nursing homes, mortuaries, schools social agencies, synagogues, parks and playgrounds.

Junk motor vehicle means any vehicle that shall include by way of example, but not be limited to the following vehicle types: automobiles, construction equipment, motorcycles, and trucks, which meets all of the following requirements:

- (1) Is three years old or older;
- (2) Is extensively damaged, such damage including, but not limited to any of the following: A broken window or windshield or missing wheels, engine or transmission;
- (3) Is apparently inoperable;
- (4) Is without a valid current registration;
- (5) Has a fair market value equivalent only to the value of the scrap in it.

Manager means the City of Germantown City Engineer or his/her designee who designated to supervise the operation of the stormwater management program and who is charged with certain duties and responsibilities by this chapter, or his/her duly authorized representative.

Multi-family residential means an apartment building or other residential structure built for three or more units or lots under common ownership, and condominiums of three or more units.

National Pollutant Discharge Elimination System or NPDES permit means a permit issued pursuant to 33 U.S.C. Chapter 26 Water Pollution Prevention and Control, Subchapter IV Permits and Licenses, Section 1342.

Notice of Intent or N.O.I. means a written notice by the discharger to the Commissioner of the Tennessee Department of Environment and Conservation, or his designee, that a person wishes his discharge to be authorized under a general permit authorized by state law or regulation.

Non-stormwater means any discharge to the City of Germantown MS4 that is not discharged pursuant to a NPDES permit; discharged pursuant to a State of Tennessee Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, or any discharge as described at 40 CFR Part 122.26 (d)(2)(iv)(B)(1).





Person means any individual, partnership, co-partnership, firm, company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

Pollution prevention plans means a written site specific plan to eliminate or reduce and control the pollution of stormwater through designed facilities, natural or constructed, and best management practices.

Redevelopment means any development subject to the Tennessee General Permit for Construction Activities.

Regional facility means a stormwater management facility designed to serve more than two properties and 100 or more acres of drainage area. A regional facility typically includes a stormwater pond.

Significant spills Releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (at 40 CFR 110.10 and CFR 117.21) or Section 102 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), (at CFR 302.4).

Shelby County Watershed Management Manual means the guidance document for use by Shelby County as may be adopted and amended from time to time by the board of county commissioners.

Storm water refers to water induced or created from precipitation whether rain, snow or ice and either stored, collected, detained, absorbed, or discharged.

Storm water management means the collection, conveyance, storage, treatment and disposal of stormwater in a manner to meet the objectives of this Chapter and its terms, including, but not be limited to measures that control the increase volume and rate of stormwater runoff and water quality impacts caused or induced by man made changes to the land.

Storm water management facility means a stormwater management control device, structure, or system of such physical components designed to treat, detain, store, convey absorb, conserve, protect, re-use or otherwise control stormwater.

Stormwater Management Manual (SWMM) means the guidance document adopted for use by the City of Germantown. The manual provides the technical standards and information necessary for property design and construction of stormwater management facilities and the management of stormwater management infrastructure as defined in section 21-341. The City of Memphis Drainage Design Manual shall be used until this guidance document is adopted for use.

Storm water pollution prevention plans means a written site specific plan to eliminate or reduce and control the pollution of stormwater through designed facilities, natural or constructed, and best management practices.

Storm water sewer system means the network of conveyances and storage facilities that collect, detain, absorb, treat, channel, discharge, or otherwise control the quantity and quality of stormwater.

Stream means any river, creek, slough or natural water-course in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some parts of the bed have been dredged or improved does not prevent the water-course from being a stream. For the purposes of this ordinance, a stream is not a "wet weather conveyance" as also defined herein. Typically, streams are identified on USGS maps by solid blue lines and intermittent streams are depicted by dashed blue lines. The Tennessee Department of Environment and Conservation shall be the arbiter in making a determination of whether a putative stream fits this definition.

Storm Water Management Plan or SWMP means the set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the City of Germantown and as part of this chapter.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in 40 CFR Part 401 promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.



Variance means the modification of the minimum stormwater management requirements contained in this chapter and the stormwater management plan for specific circumstances where strict adherence of the requirement would result in unnecessary hardship and not fulfill the intent of this chapter.

Water quality means characteristics that are related to the physical, chemical, biological, and/or radiological integrity of stormwater.

Watershed management program means a balanced program and plan of controlling the quantity and quality of water resources through comprehensive land and water resource management. Such management includes but is not limited to pollution control, land development controls, best management practices both structural and non-structural, preservation, habitat protection, and well-head protection. This program incorporates the state's NPDES stormwater quality permit program within such watersheds or portions thereof as are located inside the City of Germantown's geographical boundaries.

Watershed Master Plan means the guidance document for implementing the "Watershed Management Program".

Waterway buffer means an area separating a waterway or body of water from buildings and/or structures. Typically, buffers are maintained in a "natural" or vegetative state providing environmental and aesthetic benefits, as will be further defined in the SWMM.

Wet weather conveyance means as defined in Rule 1200-4-3-.04 of the Rules of the Tennessee Department of Environment and Conservation. Wet weather conveyances are manmade or natural water courses, including natural water courses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality, the channels of which are above the groundwater table and which do not support fish or aquatic life and are not suitable for drinking water supplies. Rule 1200-4-3-.02(7) requires that water designated as wet weather conveyances shall be protective of wildlife and humans that may come in contact with them and maintain standards applicable to all downstream waters. No other use classification or water quality criteria apply to these waters.

(Ord. No. 2010-7, § 1, 9-27-10)

#### Sec. 21-304. - Abbreviations.

CERCLA means the Comprehensive Environmental Response, Compensation and Liability Act in its original form or as amended.

CFR means Code of Federal Regulations.

FEMA means Federal Emergency Management Agency.

MS4 means Municipal Separate Storm Sewer System means the City of Germantown separate stormwater system both natural and man made as may be subject to the NPDES Stormwater Permit for the City of Germantown.

SCWMM means Shelby County Watershed Management Manual.

SWMM means Stormwater Management Manual.

SWPPP means Stormwater Pollution Prevention Plan.

TCA means Tennessee Code Annotated (latest version).

TMSP means Tennessee Multi-Sector Permit (TMSP) for Stormwater Discharges Associated with Industrial Activity (See Section 21-310).

USACOE means United States Army Corps of Engineers.

U.S.C means United States Code.

(Ord. No. 2010-7, § 1, 9-27-10)



Sec. 21-305. - Unauthorized discharge a public nuisance.

Discharge of stormwater in any manner in violation of this chapter; or any violation of any condition of a permit issued pursuant to this chapter; or any violation of any condition of a stormwater discharge permit issued by the State of Tennessee Department of Environment and Conservation is hereby declared a public nuisance and shall be corrected or abated.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-306. - Improper disposal and illicit discharges.

(a) It shall be unlawful for any person to dispose of any contaminant into the City of Germantown MS4. Contaminants include, but are not limited to the following:

- (1) Trash, debris, or household waste;
- (2) Construction materials;
- (3) Petroleum products including but not limited to oil, gasoline, grease, fuel oil, or hydraulic fluids;
- (4) Antifreeze and other automotive products;
- (5) Metals in either particulate or dissolved form;
- (6) Flammable or explosive materials;
- (7) Radioactive material;
- (8) Batteries, including but not limited to, lead acid automobile batteries, alkaline batteries, lithium batteries, or mercury batteries;
- (9) Acids, alkalis, or bases;
- (10) Paints, stains, resins, lacquers, or varnishes;
- (11) Degreasers and/or solvents;
- (12) Drain cleaners;
- (13) Pesticides, herbicides, or fertilizers;
- (14) Steam cleaning wastes;
- (15) Soaps, detergents, or ammonia;
- (16) Swimming pool backwash including chlorinated swimming pool discharge;
- (17) Chlorine, bromine, and other disinfectants;
- (18) Heated water;
- (19) Animal waste from commercial animal or feeder lot operations;
- (20) Leaking sanitary sewers and connections;
- (21) Recreational vehicle waste;
- (22) Animal carcasses;
- (23) Food wastes;
- (24) Medical wastes;
- (25) Collected lawn clippings, leaves, branches, bark, and other fibrous materials;
- (26) Collected silt, sediment, or gravel;
- (27) Dyes, except as stated in subsection (b)



- (28) Chemicals, not normally found in uncontaminated water;
- (29) Any hazardous material or waste, not listed above;
- (30) Washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates.
- (31) Junk motor vehicles, as defined in section 21-303.
- (32) Leaking solid waste disposal containers.

Penalties for minor discharges that have no significant adverse impact on safety, health, the welfare of the environment, or the functionality of the City of Germantown's stormwater collection system may be waived at the discretion of the manager.

- (b) Dye testing. Dye testing is allowed but requires written notification to the manager a minimum of 24 hours prior to the date of the test. The City of Germantown governmental agencies are exempt from this requirement.
- (c) Junk motor vehicles.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-307. - Exceptions, allowable discharges.

The following types of discharges shall not be considered prohibited discharges for the purpose of this article unless the manager determined that the type or quantity of discharge, whether singly or in combination with others, is causing significant contamination of the City of Germantown MS4.

- (1) Potable water;
- (2) Potable water line flushing;
- (3) Air conditioning condensate;
- (4) Discharges from emergency fire fighting activities and exercises (A Stormwater Pollution Prevention Plan should be prepared to address discharges or flows from fire fighting only where such discharges are identified as significant sources of pollutants to waters of the United States);
- (5) Uncontaminated water from crawl space, pumps or footing drains;
- (6) Lawn watering;
- (7) Residential car and boat washing;
- (8) De-chlorinated swimming pool water;
- (9) Materials placed as part of an approved habitat restoration or bank stabilization project;
- (10) Rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, uncontaminated springs, diverted stream flows; riparian habitats and wetlands;
- (11) Flows from riparian habitats and wetlands;
- (12) Common practices for water well disinfections;
- (13) Discharges within the constraints of a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation (TDEC);
- (14) Unless otherwise prohibited by this ordinance, any discharge that could be made directly to "Waters of the State" without a federal or state permit being required;
- (15) Dye testing in compliance with section 21-306(b);
- (16) Other types of discharges as determined by the manager.





(Ord. No. 2010-7, § 1, 9-27-10)

**Sec. 21-308. - Illicit connection, defined.**

Any connection, existing or future, identified by the manager, as that which could convey anything not composed entirely of stormwater directly to the City of Germantown MS4 is considered an illicit connection and is prohibited with the following exceptions:

- (1) Connections conveying allowable discharges as defined in section 21-307.
- (2) Connections conveying discharges pursuant to an NPDES Permit (other than an NPDES Stormwater Permit).

Existing illicit connections must be stopped, at owner's expense.

(Ord. No. 2010-7, § 1, 9-27-10)

**Sec. 21-309. - Monitoring and inspection.**

- (A) Monitoring. The manager shall periodically monitor the quantity of, and the concentration of pollutants in stormwater discharges from the areas and locations as may be designated in the NPDES Stormwater Permit.
- (B) Detection of illicit connections and improper disposal. The manager shall take appropriate steps to detect and eliminate illicit connections to the City of Germantown MS4, including the adoption of programs to identify illicit discharges and their source or sources and provide for public education, public information and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.
- (C) Inspections.
  - (1) The manager or his/her designee, bearing proper credentials and identification, may enter and inspect all properties for regular periodic inspections, investigations, monitoring, observation, measurement, enforcement, sampling and testing, to effectuate the provisions of this chapter, the stormwater management plan (SWMP), and/or the NPDES stormwater permit. The manager or his/her designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times.
  - (2) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas wherein no objection is raised. The inspector shall immediately report the refusal and the grounds to the manager. The manager may seek appropriate compulsory process.
  - (3) In the event the manager or his/her designee reasonably believes that discharges into the City of Germantown MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon request by the owner or representative.
  - (4) At any time during the conduct of an inspection or at such other times as the manager or his/her designee may request information from an owner or representative, the owner or representative may identify areas of the facility or establishment, material or processes which contains or may contain a trade secret. If the manager or his designee has no clear and convincing reason to question such identification, the inspection report shall note that trade secret information has been omitted. To the extent practicable, the manager shall protect all information that is designated as a trade secret by the owner or their representative.

(Ord. No. 2010-7, § 1, 9-27-10)



Sec. 21-310. - Construction activity and erosion and sediment control.

All construction activity, defined below, shall be in compliance with all applicable requirements under this article. If one or more acres of land are disturbed or planned to be disturbed as part of a larger plan by construction activity, an application shall be applied for under the "State of Tennessee's General Permit for Stormwater Discharges Associated with Construction Activity". The State of Tennessee utilizes a "Notice of Intent" for dischargers to obtain coverage under the general permit program for discharges associated with construction activities and industrial activities. These documents are subject to change and amendment and therefore the user should obtain the latest versions directly from the State of Tennessee Department of Environment and Conservation, Water Quality Division. These may be obtained at the state's web page: [www.state.tn.us/environment/permits](http://www.state.tn.us/environment/permits).

If a Tennessee General NPDES Permit is applied for, a copy of the Notice of Intent (N.O.I.) shall be sent by registered mail, hand delivered or as directed by the manager to the manager of the stormwater management section at least 30 days prior to the commencement of construction activities (i.e. the initial disturbance of soils associated with clearing, grading, excavating, or other construction activities). A copy of the NOI shall also be available for inspection by the manager or manager's representative on the construction site at all times during which construction activities are in progress. To seek coverage under the Tennessee Department of Environment and Conservation General Permit, the N.O.I. shall be submitted to the following address:

Tennessee	Department	of	Environment	and	Conservation
Division	of	Water	Pollution	Control,	Field
Stormwater				Memphis	Office
2510	Mt.		NOI		Processing
Memphis, TN 38115-1520			Moriah,	Suite	645

The copy of the N.O.I. should be sent to the following address:

City		of			Germantown
Department	of	Community	Development	-	Engineering
1920			Germantown		Division
Germantown, TN 38138					Rd.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-311. - Construction activity, regulated.

- (a) Unlawful activity: It shall be unlawful for any person to permit any discharge of stormwater from a construction activity from land owned or controlled by them on a total land area of one or more acres disturbed by construction activity or part of a larger plan without a general permit for stormwater discharges associated with construction activity from the Tennessee Department of Environment and Conservation, with a copy of the notice of intent (N.O.I.) provided to the Stormwater Management Section at the same address listed in section 21-308.
- (b) Exempted construction activity: The following activities may be undertaken without formal notice; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this article and other applicable law including responsibility for controlling sedimentation and runoff.
  - (1) Such minor construction activities as home gardens and individual home landscaping, home repairs, home maintenance work and other related activities that result in minor soil erosion;
  - (2) Individual service and sewer connections for single or two family residences;
  - (3) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pastureland, forestry land management practices



including harvesting, farm ponds, dairy operations, and livestock and poultry management practices and the construction of farm buildings;

- (4) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
  - (5) Installation, maintenance, and repair of and underground public utility lines when such activity occurs in an existing hard surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced and a street, curb, gutter or sidewalk permit has been obtained;
- (c) Best management practices guide for construction activities: The minimum standards for controlling erosion and sedimentation from the discharge of stormwater from a construction activity shall be set forth in the Shelby County Watershed Management Manual (SCWMM) as may be adopted and amended from time to time. Such adoption or amendment shall be by resolution of the board of county commissioners. A copy of this guide will be maintained on file in the offices of the manager. Until such time as this guide document is prepared, the guidelines in the most current Tennessee Department of Environment and Conservation's "Erosion and Sediment Control Handbook" shall be used. The specific application of BMP practices is subject to approval of the manager. A copy of the Stormwater Pollution Prevention Plan (SWPPP) required by applicable construction permits shall be provided to the manager as a part of the approval process. Approval of the construction project will be subject to a favorable review by the manager and the Tennessee Department of Environment and Conservation.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-312. - Compliance with permits.

New construction shall be allowed only when permitted by applicable construction permits and when construction plans have been approved by the manager, or when deemed appropriate by the building permits official. The manager may stop construction on properties, or administer other enforcement actions as defined in this article that do not have adequate erosion prevention and sedimentation control measures.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-313. - Local hearing board.

- (a) Purpose. There is hereby created a local hearing board for the purposes of hearing appeals (i) by any person incurring a damage assessment or civil penalty pursuant to the enforcement of the city's ordinances relating to stormwater management; or (ii) by any person who disagrees with the calculation of the stormwater user's fee or the determination related to a stormwater user's fee credit. The board shall consist of five members, including the director and one alderman designated by the board of mayor and aldermen. The other three members shall be appointed by the board of mayor and aldermen. Such appointed members shall be professionally qualified in the fields of engineering or landscape design. The director shall serve as the chair of the local hearing board. The local hearing board shall meet and organize to select a vice-chair and a secretary.
- (b) Terms. Terms of the three members appointed to the local hearing board shall be for such length as the board of mayor and aldermen shall specify; provided, however, that the terms shall be arranged so that the term of one appointed member shall expire each year. Terms shall expire on December 31 of said year, but each member shall serve until their successor is appointed. Any vacancy of an appointive membership shall be filled for the unexpired term by appointment of the mayor. Any member of the local hearing board may be removed at any time without cause by the board of mayor and aldermen.



- (c) Meetings. Board meetings shall be held at least monthly and scheduled by the chairman of the local hearing board to coordinate with the time frames for appeals as set forth in this article and article VIII of chapter 21 of the city's ordinances. A majority of the members shall constitute a quorum, and a quorum shall be required to transact board business. The board shall keep minutes of the proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact. Copies of these minutes shall be transmitted to the board of mayor and aldermen monthly. The local hearing board, by majority vote, may adopt rules governing its procedures.

(Ord. No. 2010-7, § 1, 9-27-10)

Secs. 21-314—21-340. - Reserved.

## DIVISION 2. - INFRASTRUCTURE AND DEVELOPMENT

Sec. 21-341. - Stormwater management infrastructure, defined.

Storm water management infrastructure consists of the entire physical system of stormwater management both publicly and privately owned. This system consists of both man made and natural components as well as rivers, streams, creeks, lakes, reservoirs, ponds, springs, wetlands, wells and including features defined by the State of Tennessee as "waters of the state".

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-342. - Policy statements for development

Minimum standards and procedures for the design, construction, operation, and maintenance of the stormwater management infrastructure shall be set forth in the Shelby County Watershed Management Manual (SCWMM) as may be adopted and amended from time to time. Such adoption or amendment shall be by resolution of the board of county commissioners. A copy of this document will be maintained on file in the offices of the manager. Until such time as this document is prepared and adopted, the City of Memphis - "Drainage Design Manual" as it exists at the final adoption of this ordinance, located in the manager's office shall be used. The following general policy statements shall apply:

- (1) All development in the City of Germantown shall be subject to the provisions of this article.
- (2) Proposed plans for construction shall be stamped by a professional engineer licensed in the State of Tennessee. This shall include all proposed improvements or modifications to the existing or new stormwater infrastructure, erosion prevention and sediment control practices, and other related improvements or modifications.
- (3) An "as-built plan", certified by a professional engineer appropriately licensed in the State of Tennessee, must be submitted in a format acceptable to the manager upon completion of the public or private stormwater management facility. The professional engineer shall certify that: the facilities have been constructed in substantial and essential conformance to the design plan.
- (4) Each project shall be evaluated by the manager for consistency with a watershed master plan, when available, for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if stormwater quantity and quality management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of a regional facility(s) will be considered in determining the extent to which quantity and/or quality controls will be necessary.





- (5) In the absence of such a stormwater quantity and/or quality master plan, a system of uniform requirements shall be applied to each individual project site. In general, these uniform requirements may be based on the criterion that post-development stormwater peak runoff, volume over the critical design-storm period, and water quality must not differ significantly from pre-development conditions.
- (6) Development will be permitted in the floodplain; however, the developer may be required by the manager to demonstrate "no adverse impact" on upstream or downstream facilities, uses, residences, or related structures. (For example, this may be shown by modification of the USACOE/FEMA model by applying full upstream development criteria and new cross-sections reflecting the development and depiction of the elevations of all structures, facilities, etc., within the impacted upstream or downstream floodplain.)
- (7) Under no circumstances shall a site be graded or drained in such a way as to increase surface runoff to sinkholes, "dry wells" or "drainage wells".
- (8) The city encourages regional watershed management practices and facilities. These practices will be encouraged in order to replace or reduce the implementation of on-site stormwater management facilities.
- (9) Development of properties containing existing on-site stormwater management facilities may be permitted, at the discretion of the manager, provided the property and downstream public and private properties, infrastructure or "Waters of the State" are adequately protected from adverse stormwater impacts.
- (10) The developer shall control acceleration of erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities.
- (11) The city encourages soil bioengineering, "green" and other "soft" slope and stream bank stabilization methods over rip-rap, concrete and other hard armoring techniques. The city encourages use of greenway right-of-ways for appropriate properties.
- (12) The city encourages the use of waterway buffers. A waterway buffer should be applied to all major waterways serving more than 100 acres of tributary area as specified in the SCWMM. No new construction of any building or structure shall be permitted in the buffer except as may be permitted by the city engineer and supported with adequate technical and environmental analysis and appropriate mitigation measures. For example, mitigation strategies may include:
  - a. Additional floodplain storage through excavation.
  - b. Publicly dedicated Greenways.
  - c. Restoration of impacted waterways with bioengineering or "green" approaches.
  - d. New and innovative technologies are applied to address water quantity or quality.
  - e. Modification to density, trees or other development requirements acceptable to the city community development department.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-343. - Infrastructure maintenance.

It shall be the responsibility of the property owner of record for the maintenance of stormwater infrastructure. Maintenance of stormwater infrastructure shall consist of, but not be limited to the following items: outlet cleaning, mowing, herbicide spraying, litter control, removal of sediment from basin and outlet control structures, and repair of drainage structures. The property owner shall conduct all such activities in an environmentally sound manner and consistent with applicable codes, rules, and standards.

(Ord. No. 2010-7, § 1, 9-27-10)



Sec. 21-344. - Maintenance responsibility—Privately owned infrastructure.

- (a) Any stormwater management facility that is privately owned shall receive general routine maintenance (i.e. controlling vegetative growth, removing sediment and debris) provided for by the owner(s).
- (b) The owner(s) shall maintain a perpetual right of access for inspection and emergency access by the city. The city has the right, but not the duty to enter premises for inspection and emergency repairs.
- (c) Any stormwater management facility that services commercial and industrial development shall be privately owned and maintained.
- (d) Maintenance requirements may also be prescribed by a site-specific agreement between the owner or operator and the City of Germantown. These agreements shall be based on an approved site design, a stormwater pollution prevention plan, an inspection program, a long-term maintenance plan, an emergency repair plan, easements, and proof or surety of financial responsibility.
- (e) If privately owned infrastructure is not maintained, the manager may assess a non-punitive fine on the private owner(s) as detailed in this article. Such a fine will be used for cost recovery, to abate damages, and to restore impacted areas.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-345. - Maintenance responsibility—Publicly owned infrastructure.

- (a) All stormwater management control facilities proposed by the owners, recommended by the manager, and approved by the City of Germantown Board of Mayor and Aldermen for dedication as a public regional facility, shall be publicly owned and/or maintained.
- (b) All other stormwater management control facilities shall be publicly owned and/or maintained only if accepted for maintenance by the city.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-346. - Purpose of stormwater discharges from regulated industrial sources.

It is the purpose of this article to control stormwater runoff from industrial sources in order to minimize, to the maximum extent practicable, pollutants discharged from industrial sources into the City of Germantown MS4. This reduction may be achieved by a combination of management practices, control techniques, system design, engineering methods and plan review.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-347. - Industry, defined.

An industrial facility is one defined in section 21-303, and subject to the Tennessee Multi-Sector Permit (TMSP) for stormwater discharges associated with industrial activity.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-348. - Right of inspection, defined.

Right of inspection is described in section 21-309(c) of this article.



(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-349. - Availability of information on discharger to public; use of information accepted as confidential.

All information and data on a discharger obtained from reports, questionnaires, permits, monitoring programs, and from inspections shall be available to the public without restriction unless the discharger specifically requests confidential treatment and is able to demonstrate to the satisfaction of the approving authority that the release of such information would divulge information regarding processes or methods that would be detrimental to the discharger's competitive position. Information accepted by the approving authority as confidential shall not be transmitted to the general public by the approving authority unless written permission has been obtained from the discharger or under court order. Any report, questionnaire or other item required to be submitted by the discharger that contains such confidential data will be submitted in duplicate with one version containing the information and the second copy showing the information deleted that has been claimed as confidential. To the extent practicable, the Manager shall protect all information that is designated as confidential by the owner or their representative.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-350. - Information required.

The State of Tennessee utilizes a "Notice of Intent" for dischargers to obtain coverage under the general permit program for discharges associated with construction activities and industrial activities. These documents are subject to change and amendment and therefore the user should obtain the latest versions directly from the State of Tennessee Department of Environment and Conservation, Water Quality Division. These may be obtained at the state's web page: [www.state.tn.us/environment/permits](http://www.state.tn.us/environment/permits). All industries subject to the TMSP and discharging into the City of Germantown storm sewer system shall provide the manager with a copy of their notice of intent (NOI). A copy of the stormwater pollution prevention plan (SWPPP) must be kept on the industrial site and available for inspection and copying at reasonable times by the manager.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-351. - Storm water pollution prevention plan (SWPPP) requirements.

The stormwater pollution prevention plan (SWPPP) must follow, at a minimum, the outline of the plan listed in the Tennessee Multi-Sector Permit language or a facility's NPDES stormwater permit language, whichever is applicable.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-352. - Sampling at industrial facilities.

- (a) Samples of stormwater collected for compliance monitoring shall be representative of the discharge. Sampling locations will be those defined in the Tennessee Multi-Sector Permit or an NPDES permit. Sampling and analyses shall be in accordance with 40 CFR Part 122.21 and 40 CFR Part 136 and/or applicable Permit language.
- (b) Samples that may be taken by the manager and/or his designated representatives for the purpose of determining compliance with the requirements of this chapter or rules adopted hereunder may be split with the discharger if requested before the time of sampling.



- (c) The manager may require a stormwater discharger to install and maintain at the discharger's expense a suitable manhole or sampling facility at the discharger's facility or suitable monitoring access to allow observation, sampling, and measurement of all stormwater runoff being discharged into the city storm sewer system. Sampling manhole or access shall be constructed in accordance with plans approved by the division and shall be designed so that flow measurement and sampling equipment can be installed. Access to the manhole or monitoring access shall be available to the manager and/or his/her designated representatives at all times.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-353. - Reporting.

- (a) Any facility required to sample under either the TMSP or an NPDES stormwater permit shall provide a copy of the periodic monitoring report to the manager.
- (b) The manager may require reporting by dischargers of stormwater runoff to the stormwater system, even if an NPDES stormwater permit is not required. This information may include any data necessary to characterize the stormwater discharge.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-354. - Accidental discharges.

- (a) In the event of a "significant spill" as defined in this article or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the manager and the local field office of the Tennessee Department of Environment and Conservation as required by state and federal law following the accidental discharge.

If an emergency response by governmental agencies is needed, the owner or operator should also call the Memphis and Shelby County Emergency Management Agency, immediately to report the discharge. A written report must be provided to the manager within five days of the time the discharger becomes aware of the circumstances, which report must contain, at a minimum, the following particulars:

- (1) A description of the discharge, including an estimate of volume.
  - (2) The exact dates, times and duration of the discharge.
  - (3) Steps being taken to eliminate and prevent recurrence of the discharge, including any planned modification to contingency, SWPPP or maintenance plans.
  - (4) A site drawing that shows the location of the spill on the property, the direction of flow of the spill in relation to the topographical grade of the property, the impacted watercourse(s), and the property or properties adjacent to the spill site.
- (b) The discharger shall take all steps reasonably necessary to minimize any adverse impact to the City of Germantown MS4, including but not limited to accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. The interruption of business operations of the discharger shall not be a defense in an enforcement action necessary to maintain water quality and minimize any adverse impact that the discharge may cause.
- (c) It shall be unlawful for any entity, whether an individual, residential, commercial or industrial entity to fail to comply with the provisions of this article.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-355. - Fraud and false statements.





Any reports required by this article or rules adopted hereunder and any other documents required by the city to be submitted or maintained by the discharger shall be signed by a responsible corporate official and certified as accurate to the best of his or her personal knowledge after appropriate investigation. Such documents shall be subject to the enforcement provisions of this article and any other applicable local and state laws and regulations pertaining to fraud and false statements. Additionally, the discharger shall be subject to the provisions of 18 U.S.C. Section 309 of the Clean Water Act, as amended, governing false statements and responsible corporate officials.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-356. - Administrative remedies of enforcement and abatement.

The enforcement remedies enumerated herein shall be applicable to all sections of this article.

- (1) Whenever the manager finds any permittee or person discharging stormwater, or other pollutants into the City of Germantown MS4 or otherwise has violated or is violating this article, conditions of a stormwater permit, or order issued hereunder, the manager or his or her designee may serve upon such permittee or person a notice of alleged violation of the noticed violation. This notice shall be by personal service, or registered or certified mail with return receipt. Within ten days of the date of this notice, the subject person or permittee shall provide the manager with a written response to the notice of violation. Such written response shall include a plan for satisfactory correction and prevention at a hearing schedule for such purpose. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- (2) Prior to the issuance of a notice of alleged violation, the manager may order any person who causes or contributes, or may be a cause or contributor, to a violation of a stormwater permit or order issued hereunder to show cause at a hearing scheduled for such purpose why a proposed enforcement action should not be taken. A written notice of such hearing shall be served on such person specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the person show cause why this proposed enforcement should not be taken. The hearing notice shall be served personally or by registered or certified mail with return receipt, and postmarked at least ten business days prior to the hearing date. Such notice may be served on any person, principal executive, general partner, corporate officer, or other person with apparent authority to receive such notice.
- (3) The manager is hereby empowered to enter into consent agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with the person or persons responsible for the non-compliance. Such agreements will include specific action to be taken by the permittee or person discharging stormwater to correct the non-compliance within a time period specified by such agreement. Consent agreements shall have the same force and effect as compliance orders issued pursuant to paragraph (4) below.
- (4) When the manager finds that any person has violated or continues to violate this article or any order issued hereunder, the manager may issue an order to the violator directing that, following a specified time period, adequate structures and/or devices be installed or procedures implemented and properly operated or followed. Orders may also contain such other requirements as might be reasonably necessary to address the non-compliance, including the construction of appropriate structures, installation of devices, self-monitoring and related management practices.
- (5) When the manager finds that any person has violated or continues to violate this article or any permit or order issued hereunder and such action or inaction has or may have the potential for immediate and significant adverse impact on the MS4 or the stormwater discharges to it, the manager may issue an order to cease and desist all such violations immediately and direct those persons in non-compliance to:



- a. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- b. Receiving an order that includes an instruction to halt operations shall receive an expedited review and appeal of such order within two business days.

(Ord. No. 2010-7, § 1, 9-27-10)

**Sec. 21-357 - Civil penalty.**

Any person who performs any of the following acts or omissions shall be subject to a civil penalty as set out in chapter 1, section 1-10, Code of the City of Germantown per day for each day, or part thereof, during which the act or omission continues or occurs.

- (1) Fails to obtain any required permit;
- (2) Violates the terms and conditions of such required permit in #1 above;
- (3) Violates a final determination or order of the manager; or
- (4) Violates any provision of this article.

The city attorney, with consent of the board of mayor and aldermen, may initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to the City of Germantown MS4 by any person, and seek injunctive or other equitable relief to enforce compliance, with any lawful orders of the manager.

(Ord. No. 2010-7, § 1, 9-27-10)

**Sec. 21-358. - Unlawful acts, misdemeanor.**

It shall be unlawful for any person to knowingly:

- (1) Violate a provision of this article;
- (2) Violate the provisions of any permit issued pursuant to this chapter;
- (3) Fail or refuse to comply with any lawful notice to abate issued by the manager, which has not been timely appealed to the local hearing board within the time specified by such notice; or
- (4) Violate any lawful order of the manager within the time allowed by such order.

Such person shall be guilty of a misdemeanor; and each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of the provisions of this article shall be punished by a fine as set out in chapter 1, section 1-10, Code of the City of Germantown. Upon learning of such act or omission, the manager may issue a city ordinance citation charging the person, with violating one or more provisions of this article, criminal violation of this ordinance may also be the basis for injunctive relief, with such actions being brought and enforced through the Shelby County General Sessions Environmental Court or such court of competent jurisdiction as may have been duly established by the City of Germantown.

(Ord. No. 2010-7, § 1, 9-27-10)

**Sec. 21-359. - Processing a violation.**

- (a) The manager may issue an assessment against any person or permittee responsible for the violation;



- (b) Any person against whom an assessment or order has been issued may secure a review of such assessment or order by filing with the local hearing board a written petition setting forth the specific legal and technical grounds and reasons for his objections and asking for a hearing in the matter involved before the local hearing board and if a petition for review of the assessment or order is not filed within 30 days after the date the assessment or order is served, the violator shall be deemed to have consented to the assessment and it shall become final;
- (c) Whenever any assessment has become final because of a person's failure to appeal the manager's assessment, the manager may apply to the appropriate court for a judgment and seek execution of such judgment. The court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment;
- (d) The local hearing board may consider the following factors when reviewing a petition:
  - (1) Whether the civil penalty imposed will be an appropriate economic deterrent to the illegal activity by the violator or others in the City of Germantown;
  - (2) Damages to the City of Germantown, including compensation for the damage or destruction of the City of Germantown MS4, and also including any penalties, costs (direct or indirect) and attorneys' fees incurred by the city as a result of the illegal activity, as well as the expenses involved in enforcing this chapter and the costs involved in rectifying any damages;
  - (3) Cause of the discharge or violation;
  - (4) The severity of the discharge and its effect on the City of Germantown MS4.
  - (5) Effectiveness of action taken by the violator to cease the violation;
  - (6) The technical and economic reasonableness of reducing or eliminating the discharge; and
  - (7) The economic benefit gained by the violator.
- (e) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the Commissioner of the Tennessee Department of Environment and Conservation for violations of T.C.A. 69-3-115; however, the sum of penalties imposed by this section and by T.C.A. 69-3-115 shall not exceed \$10,000.00 per day during which the act or omission continues or occurs.
- (f) Any appeal of this final determination shall be made to a court of competent jurisdiction. Such appeal must be filed within 15 days of the decision by the local hearing board.

(Ord. No. 2010-7, § 1, 9-27-10)

**Sec. 21-360. - Appeal judicial proceedings and relief.**

The manager, through the city attorney, may initiate proceedings in any court of competent jurisdiction against any person who has:

- (1) Violated the provisions of this article;
- (2) Violated the provisions of any permit issued pursuant to this article;
- (3) Failed or refused to comply with any lawful order issued by the manager that has not been timely appealed within the time allowed by this article; or
- (4) Violated any lawful order of the manager.

Any person who commits any act declared unlawful under this article shall be guilty of a misdemeanor, and each day of such violation shall be deemed a separate offense and punishable accordingly.

(Ord. No. 2010-7, § 1, 9-27-10)



Sec. 21-361. - Damages, disposition of funds.

All damages collected under the provisions of this article and civil penalties collected under the provisions of section 21-357, following the adjustment for the expenses incurred in making such collections shall be allocated and appropriated to the city's stormwater management program.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-362. - Records retention.

All dischargers subject to this article shall maintain and preserve for no fewer than five years, all records, books, documents, memoranda, reports, correspondence and any summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of the discharger in connection with its discharge. All records that pertain to matters that are the subject of any enforcement or litigation activities brought by the city pursuant to this article shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. No. 2010-7, § 1, 9-27-10)

Sec. 21-363. - Facilities maintenance agreement.

All owners and all operators of stormwater infrastructure not owned by the city shall enter into a stormwater facilities maintenance agreement with the city which agreement shall be in the form prescribed by the city.

(Ord. No. 2010-7, § 1, 9-27-10)

Secs. 21-364—21-400. - Reserved.

